

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

SAN DIEGO UNIFIED SCHOOL  
DISTRICT.

OAH Case No. 2015090706

ORDER GRANTING JOINT REQUEST  
FOR CONTINUANCE, SETTING  
MEDIATION, PREHEARING  
CONFERENCE AND HEARING

On October 9, 2015, the parties filed a joint request to continue the mediation, prehearing conference and hearing. This is the first continuance request since the complaint's filing on September 9, 2015.

A due process hearing must be conducted and a decision rendered within 45 days of receipt of the due process notice unless an extension is granted for good cause. (34 C.F.R. § 300.515(a) & (c) (2006); Ed. Code, §§ 56502, subd. (f), 56505, subd. (f)(3); Cal. Code Regs., tit. 1, § 1020.) As a result, continuances are disfavored. Good cause may include the unavailability of a party, counsel, or an essential witness due to death, illness or other excusable circumstances; substitution of an attorney when the substitution is required in the interests of justice; a party's excused inability to obtain essential testimony or other material evidence despite diligent efforts; or another significant, unanticipated change in the status of the case as a result of which the case is not ready for hearing. (See Cal. Rules of Court, rule 3.1332(c).) OAH considers all relevant facts and circumstances, including the proximity of the hearing date; previous continuances or delays; the length of continuance requested; the availability of other means to address the problem giving rise to the request; prejudice to a party or witness as a result of a continuance; the impact of granting a continuance on other pending hearings; whether trial counsel is engaged in another trial; whether the parties have stipulated to a continuance; whether the interests of justice are served by the continuance; and any other relevant fact or circumstance. (See Cal. Rules of Court, rule 3.1332(d).)

Though the parties agreed upon a new date for the continued mediation, the parties were unable to finalize dates for the continued prehearing conference and hearing. The parties therefore stipulated to have OAH assign new hearing dates within 90 days of scheduled November 3, 2015 hearing date.

OAH has reviewed the request for continuance and considered all relevant facts and circumstances. Good cause existing therefore, the request is granted.

All dates are vacated. This matter is continued as follows:

Mediation: November 10, 2015, at 9:30 AM, at District's offices, 4100 Normal Street. Annex 7. San Diego, CA 92103.

Prehearing Conference: January 25, 2016, at 1:00 PM.

Due Process Hearing: February 2, 3, and 4, 2016, at 9:30 AM the first day, and 9:00 AM each additional day, continuing day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge. The hearing shall take place District's offices, 4100 Normal Street. Annex 7. San Diego, CA 92103.

IT IS SO ORDERED.

DATE: October 09, 2015

/s/  
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CLIFFORD H. WOOSLEY  
Administrative Law Judge  
Office of Administrative Hearings